IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Civil Revision No. 4455 of 2007

Date of decision: 30.8.2007

Shree Kamal **...Petitioner**

Versus

Smt. Nirmal and another **...Respondents**

CORAM: HON'BLE MR.JUSTICE RAJESH BINDAL

Present: Mr. R.S.Chauhan, Advocate for the petitioner.

****

RAJESH BINDAL, J.

Challenge in the present petition, filed under Article 227 of the Constitution of India, is to order dated August 2, 2007 passed by learned Additional Civil Judge (Senior Division), Pathankot closing the evidence of the defendants by order of the Court.

The case arises out of a suit of possession by way of specific performance filed by the respondent no.1 against the petitioner in which evidence of the petitioner-defendant started in year 2003 and for the last four years, he has not been able to complete the same. Under the circumstances, in my opinion, no illegality can be found with the order passed by the Court below as even on grant of last opportunity, petitioner-defendant had not been able to complete his evidence. Still further, it is also evident from the impugned order that on June 12, 2007, petitioner-defendant was given last chance with clear direction that in the event of failure, the evidence of defendant shall be deemed to be closed.

Accordingly, I do not find any merit in the present petition and the same is dismissed.

August 30, 2007 **(Rajesh Bindal)**
Pka **Judge**